

RECEIVED

Clerk's Office

USDC, Mass.

Date 6/12/03

By 6:10
Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL
INDUSTRY AVERAGE WHOLESALE
PRICE LITIGATION

) MDL No. 1456

) CIVIL ACTION NO. 01-CV-12257-PBS

) Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

ALL ACTIONS

**PLAINTIFFS' MOTION FOR LEAVE TO AMEND
THE MASTER CONSOLIDATED CLASS ACTION COMPLAINT**

Plaintiffs in the above-captioned matter hereby move this Court for leave to amend the Master Consolidate Class Action Complaint ("MCC"). The Court's Memorandum and Order of May 13, 2002 (the "Order") issued in response to Defendants' motions to dismiss, to strike and for a more definitive statement, largely upheld Plaintiffs' claims but dismissed certain claims and certain parties pending a motion for leave to amend the MCC, to be filed 30 days from the date of the Order.

For the reasons set forth in Plaintiffs' Memorandum in Support of Motion for Leave to Amend the Master Consolidated Class Action Complaint ("Plaintiffs' Memorandum") filed herewith¹, Plaintiffs' respectfully request that the Court allow Plaintiffs' Motion to Amend. Plaintiffs further move this Court to permit all amendments

¹ Plaintiffs' Memorandum is filed under seal pursuant to paragraph 15 of the Protective Order dated December 13, 2002.

to the MCC as outlined in Plaintiffs' Memorandum and in the Amended Master Consolidated Class Action Complaint attached as Exhibit A thereto.

Dated: June 12, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Sobol', written over a horizontal line.

Thomas M. Sobol (BBO #471770)
Edward Notargiacomo (BBO # 567636)
HAGENS BERMAN, LLP
225 Franklin Street, 26th floor
Boston, MA 02110
Telephone: (617) 482-3700
Facsimile: (617) 482-3003

Plaintiffs' Liaison and Co-Lead Counsel

Steven W. Berman
Sean Matt
HAGENS BERMAN, LLP
1301 Fifth Avenue, Suite 2900
Seattle, Washington 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Samuel Heins
Brian Williams
HEINS, MILLS & OLSON, P.C.
700 Northstar East
608 Second Avenue South
Minneapolis, MN 55402
Telephone: (612) 338-4605
Facsimile: (612) 338-4692

Jeffrey L. Kodroff
John A. Macoretta
SPECTOR, ROSEMAN & KODROFF, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611

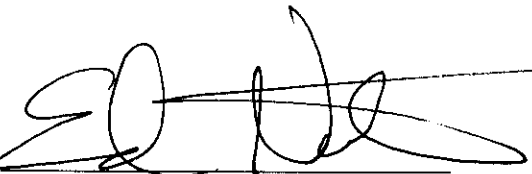
Marc H. Edelson
Allan Hoffman
HOFFMAN & EDELSON
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

Kenneth A. Wexler
Elizabeth Hartwig
Kenneth A. Wexler & Associates
One North LaSalle Street, Suite 2000
Chicago, IL 60602
Telephone: (312) 346-2222
Facsimile: (312) 346-0022

Plaintiffs' Co-Lead Counsel

CERTIFICATE OF SERVICE

I hereby certify that I, Edward Notargiacomo, an attorney, caused a true and correct copy of the foregoing Motion For Leave to Amend the Master Consolidated Class Action Complaint to be served on all counsel of record electronically, pursuant to Section D of Case Management Order No. 2 on June 12, 2003. I hereby also certify that pursuant to Paragraph E. 11. g of Case Management Order No. 3, I have caused a true and correct copy of the Plaintiffs' Memorandum in Support of Motion for Leave to Amend the Master Consolidated Class Action Complaint, filed under seal pursuant to the Protective Order dated December 13, 2002, to be served on all counsel of record via overnight mail, or hand delivery.

By: 
Edward Notargiacomo, Esq.
HAGENS BERMAN LLP
225 Franklin Street, 26th floor
Boston, MA 02110
(617) 482-3700